

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 17-6005-RGK (ASx)** Date February 28, 2018

Title ***MICHAEL GIUFFRIDA v. AESTHETIC PHYSICIANS OF CA***

Present: The Honorable R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams (not present)	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
Not Present	Not Present

Proceedings: (IN CHAMBERS) ORDER DISMISSING ACTION FOR LACK OF SUBJECT MATTER JURISDICTION

On August 14, 2018, Michael Giuffrida ("Plaintiff") filed this action against Aesthetic Physicians of California, Inc. ("Defendant"). According to the Complaint, federal jurisdiction over the action is based on a federal question. Specifically, Plaintiff alleges that jurisdiction is based on 29 U.S.C. §216(b), which authorizes employees to bring civil actions to recover damages for violations of the Fair Labor Standards Act ("FLSA"). However, upon review of the Complaint, the Court finds no claims asserted under the FLSA or any other federal law. Rather, all seven of Plaintiff's claims allege violations of only California statutory laws, specifically, the California Labor Code and the California Business and Professions Code.

As Plaintiff's basis for jurisdiction is a question of federal law and no federal law has been asserted, the Court hereby **dismisses** this action for lack of subject matter jurisdiction.¹

IT IS SO ORDERED.

Initials of Preparer

¹ The Court notes upon review of the facts alleged in the Complaint, there appears to also be no federal jurisdiction based on diversity.